



This is Broadband. This is the way.

February 10, 2000

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

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*Ex Parte* Filing  
CC Docket No. 99-200

Dear Ms. Salas:

As facilities-based competitive local exchange carriers, the subsidiaries of MediaOne Group (MediaOne) have an urgent need for numbering resources in those areas where they have invested time and money to provide an alternative supplier of local telephone service to residential users. Thus, the resolution of the issues in this proceeding is critical to MediaOne to ensure that it has the ability to compete with established carriers. MediaOne Group has participated in the referenced proceeding by filing comments and reply comments, and by making *ex parte* presentations that demonstrate the adverse effect of number shortages on competitive carriers.

MediaOne's position on the issues raised in the Commission's *Notice of Proposed Rulemaking*<sup>1</sup> is a matter of record and will not be repeated in this letter. We write, rather, to urge the Commission to amend Part 52 of its rules to adopt additional requirements in connection with the states' implementation of area code relief. The text of the proposed rule, which is contained in the attachment to this letter, sets forth requirements that are grounded in both common sense and fairness. Moreover, the proposed rule reflects the rationale underlying the Commission's efforts thus far to carry out the statutory mandate that numbers are to be available on an equitable basis.<sup>2</sup> Briefly stated, the proposed rule requires states to implement area code relief when numbers are so depleted as to preclude carriers from offering service, and prohibits rationing of central office codes in the absence of such area code relief.

Events that have occurred since release of the *Notice* warrant adoption of a rule in this regard. Although the Commission has issued numerous orders granting to the states waivers of the rules and allowing them to implement number conservation measures, that authority has in cases been accompanied by actions that deny or ignore the

<sup>1</sup> Numbering Resource Optimization, *Notice of Proposed Rulemaking*, 14 FCC Rcd 10322 (1999) (*Notice*).

<sup>2</sup> 47 USC § 251(e)(1).

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need for area code relief. The result is that competitive carriers, such as MediaOne, remain unable to provide service due solely to an absence of numbering resources. As an example, we note that the California Public Utilities Commission continues to defer implementation of the 424 overlay of the 310 NPA even though the few remaining 310 NPA NXX codes are no longer available for initial purposes -- and even though, as MediaOne has demonstrated in its *ex parte* filings herein, number conservation measures such as thousands-block pooling in the 310 NPA simply will not result in numbers sufficient to meet demand.<sup>3</sup> The result is that MediaOne has been unable to market services in four rate centers in the 310 NPA, even though it has upgraded its cable facilities to provide local telephone service, because it has had no numbers. MediaOne will soon be in a position to offer service in these rate centers -- after many months of delay -- only because it has entered into code-sharing arrangements with other carriers. MediaOne's proposed rule would eliminate such situations by ensuring that number conservation measures are not substituted for area code relief when the NPA is clearly in a depleted state.

The scope of this proceeding is sufficiently broad to allow adoption of MediaOne's proposed rule. Indeed, the Commission noted that it is seeking to "ensure sufficient access to numbering resources for all service providers that need them to enter into or compete in telecommunications markets ... [and] ensure that no class of carrier or consumer is unduly favored or disfavored by our optimization efforts...."<sup>4</sup> When number conservation measures are substituted for area code relief, competitive carriers that do not have large supplies of numbers, as do the incumbent carriers, are clearly disfavored and not given a fair chance to compete -- if they can compete at all. The Commission expressly invited comments on whether it should develop additional guidelines for area code relief.<sup>5</sup> Finally, the proposed rule simply incorporates an established principle that the Commission has pronounced in the state waiver orders: number conservation measures are not to exclude, or substitute for, unavoidable and timely area code relief.<sup>6</sup> As the Commission has repeatedly stated:

"Under no circumstances should consumers be precluded from receiving telecommunications services of their choice from providers of their choice for a want of numbering resources."<sup>7</sup>

Yet that is the current situation in certain areas today where critically-needed area code relief has been replaced by number conservation efforts that produce insufficient numbers for new carriers to provide service.

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<sup>3</sup> See, e.g., MediaOne's January 14, 2000 *ex parte* letter at enclosure 2.

<sup>4</sup> Notice at para. 6.

<sup>5</sup> *Id.* at para. 247.

<sup>6</sup> See, e.g., Florida Public Service Commission Petition to Federal Communications Commission for Expedited Decision for Grant of Authority to Implement Number Conservation Measures, *Order*, FCC 99-249 (released September 15, 1999), para. 8.

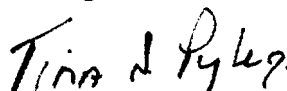
<sup>7</sup> *Id.*

For these reasons, MediaOne urges the Commission to adopt the attached rule requiring implementation of area code relief measures under the conditions stated.

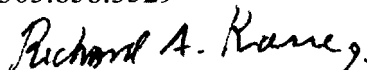
Sincerely,

MediaOne Group, Inc.

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Ms. Cheryl Callahan  
Ms. Tejal Mehta  
Mr. John Spencer  
Mr. Aaron N. Goldberger  
Ms. Jeannie Grimes  
Mr. Barry Payne

### **Recommended Rule Change**

Section 52.19 of the Commission's rules, 47 CFR § 52.19, is amended by adding a new subsection (d) to read as follows:

- (d) In resolving matters involving the introduction of new area codes within their states, state commissions may not engage in number conservation or rationing measures to the exclusion of, or as a substitute for, timely area code relief. Specifically, a state commission:
  - (1) shall order implementation of area code relief when numbering resources have become so depleted that steps taken to conserve or ration numbering resources preclude carriers from offering services,
  - (2) may institute a process for the rationing of central-office codes only where the state commission has ordered area code relief, established a relief date, and attempts to reach consensus on a rationing plan among industry participants have failed,
  - (3) may, subject to the conditions below, implement thousands-block pooling in any area code under its jurisdiction.
    - (i) A state commission may not institute a process for the rationing of thousands blocks, where thousands-block pooling has been implemented
    - (ii) In conjunction with the implementation of thousands-block pooling, a state commission must create, as expeditiously as possible, a contingency plan for area code relief for the area code(s) subject to thousands-block pooling.